

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ANNMARIE GARCIA, individually and on
behalf of All Others Similarly Situated,

Plaintiff,

vs.

SOUTHWESTERN & PACIFIC
SPECIALTY FINANCE, INC. dba CHECK
'N GO, and Ohio corporation; and Does 1
through 20, inclusive,

Defendants.

Case No: C 13-2215 SBA

DISMISSAL ORDER

On April 15, 2013, Plaintiff Annmarie Garcia ("Plaintiff") commenced the instant action in the Superior Court of California, County of San Francisco against Defendant Southwestern & Pacific Specialty Finance, Inc. dba Check 'n Go ("Defendant"), alleging violations of California Finance Lenders Law, Financial Code § 22302, et seq., and California Business and Professions Code § 17200, et seq. Compl., Dkt. 1. The action was removed to this Court pursuant to the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1332(d). Notice of Removal, Dkt. 1.

On June 25, 2013, Defendant filed a motion to compel arbitration and stay proceedings. Dkt. 17. On July 23, 2013, the parties filed a stipulation stating that the "[c]ase will be submitted to binding arbitration per loan agreement." Dkt. 24. Also on July 23, 2013, Plaintiff filed a response to the motion to compel arbitration and stay proceedings. Dkt. 25. In her response, Plaintiff states that she "will submit her claims to binding arbitration per the Installment Loan Agreement. The issues raised by defendant's motion are therefore moot, and the case should be dismissed without prejudice." Id. The

1 Court construes Plaintiff's response to the motion to compel arbitration and stay
2 proceedings as a notice of voluntary dismissal under Rule 41(a)(1) of the Federal Rules of
3 Civil Procedure.


4 Accordingly,

5 IT IS HEREBY ORDERED THAT:

- 6 1. This action is DISMISSED without prejudice.
7 2. The Clerk shall close the file and terminate all pending matters.

8 IT IS SO ORDERED.

9 Dated: 7/25/13

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11 SAUNDRA BROWN ARMSTRONG
12 United States District Judge
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